

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16449 of Howard Lee Williams, pursuant to 11 DCMR 3108.1 for a special exception under Section 205 to continue an existing child development center for 27 children, ages two to four and seven teachers, and a before and after school program for ages 2 ½ to 12 on the first and second floors in an R-5-A District at premises 2613 30th Street, S.E. (Square 5643, Lot 27).

HEARING DATES: April 7, 1999 and June 16, 1999

DECISION DATE: June 16, 1999

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7B. The Single Member District Commissioner for ANC-7B04 submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 205. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for ten (10) years, unless management of the center changes.
2. The hours and days of operation shall be between 7:00 a.m. and 6:00 p.m., Monday through Friday.

3. The maximum number of employees shall be seven (7).
4. Enrollment shall be limited to 27 children between the ages of 2 to 12 years old.
5. The applicant shall stagger play times for the children at the center.
6. The applicant shall maintain the vinyl slats installed in a portion of the existing chain link fence.
7. The applicant shall maintain four parking spaces nearby for use by the staff.
8. The applicant shall provide bus transportation to pick up and drop off some of the children enrolled at the center.
9. Pick up and drop off of children by parents shall occur at the front of the center.
10. Trash shall be collected from the alley by a private trash collection agency, as needed.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3 - 0 (Betty King, Jerry Gilreath and Sheila Cross Reid to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: AUG - 3 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16449

As Director of the Office of Zoning, I hereby certify and attest that on AUG - 3 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Shirley B. Ford
3381 Chester Grove Road
Upper Marlboro, Maryland 20774

Willard C. Poteat
ANC Commissioner 7B04
3200 S Street, SE
Washington, DC 20020

ATTESTED BY:



JERRILY R. KRESS
Director